

## PLANNING BOARD MEETING

TIPP CITY, MIAMI COUNTY, OHIO

December 11, 2007

### Meeting

Chairman Michael McFarland called this meeting of the Tipp City Planning Board to order at 7:30 p.m.

### Roll Call

Roll call showed the following Board members present: Mike McFarland, Bryan Blake, John Berbach, Robert Horrocks, and Mark Springer.

Others in attendance: City Planner/Zoning Administrator Matt Spring, and Board Secretary Marilyn Fennell. Those signing the guest register included Walter Burton, Jeff Makley, David Dodd, and Greg Enslin. Nancy Bowman of the *Dayton Daily News* was also present.

### Approval of Minutes November 13, 2007 Meeting

Mr. McFarland noted that the footer date on the draft copy of the last meeting's minutes was incorrect. Mrs. Fennell said she had discovered that error and had a corrected copy for signature. Mr. Horrocks **moved to approve the minutes of the November 13, 2007 meeting as corrected.** Mr. Springer seconded the motion. Motion carried 5-0.

### Items not on the Agenda

There were no comments on items not on the agenda.

### NEW BUSINESS Deadline Dates

Chairman McFarland announced that the next regularly scheduled Planning Board meeting would be held Tuesday, January 8, 2008. Preliminary Plans, Final Plats and Site Plans must be submitted by 5:00 p.m. on December 17, 2007 and temporary sign requests for display over 30 days must be submitted by 5:00 p.m. on January 2, 2008.

City of Tipp City, Kyle  
Park, Pt OLs 46, 57,  
58, 59, 60, & 61,  
(CD/FA/WP zoning)-  
Minor Subdivision

Mr. Spring said the City requests approval of a minor subdivision in association with the construction of the Tipp City bikeway between E. Main St. (Canal Lock Park) and Kyle Park. The City is in the process of obtaining this 6.252 acre tract to accommodate this leg of the bikeway system. This section will complete the Tipp City portion of the Great Miami Bike trail system. It will be combined with the existing Kyle Park lot (Pt. OL 54) and is not a separate building lot. Staff noted that the Miami County Tax Map Department has approved the proposed minor subdivision for accuracy. Mr. Spring said staff did recommend approval of the minor subdivision.

Mr. Berbach asked if there were State funds paying for this section. Mr. Spring said there are grants being sought and acquired and he was not sure of the total amount.

Mr. Berbach **moved to approve the minor subdivision.** Mr. Horrocks seconded the motion. Motion was approved 5-0.

Greg Enslin, 114-116  
E. Main St., Pt IL 23,  
(CC/RA zoning)-

1. Special Use
2. Waiver of

Mr. Spring said the applicant was seeking approval for a Special Use Permit for use of the property as a cyber café and also a waiver of the off-street parking requirements for all uses within the structure. Mr. Enslin has indicated the proposed cyber café will be a place where patrons can use a computer with internet access and/or game consoles

required Off-  
Street Parking  
Requirements

(Play Station, X-Box, Wii, etc.) for a fee, for the primary purpose of online/interactive gaming. He will offer pre-packaged foods and drinks. The target market will be teens and young adults.

Mr. Spring listed the Permitted and Special Uses in the CC (Community Center) zoning district. As a cyber café is not listed in either of those categories, §154.051(B)(2)(g) notes that any uses determined by the Planning Board to be of the same general character and are determined to contribute to the district's role can be permitted. Mr. Spring reviewed the Special Use considerations and the General and Specific Requirements, §154.122(A) and §154.122(B)(38) in his staff report. The applicant is not requesting any exterior site plan alterations at this time.

Mr. Spring continued with the request to waive the off-street parking requirements. He said the closest match to a cyber café would be the requirements for specialty retail commercial, specialty food stores, etc. With 2300 square feet of gross floor area, 11 off-street parking spaces would be required. This building was built circa 1860 and contains a non-conforming parking area in the rear of the structure. It is only accessible from the east/west alley. The parking area is 67' x 31' and essentially unused due to the narrowness of the space and lack of another egress from the area. The Planning Board has the ability to determine on a case-by-case basis the number of spaces that can be waived.

Mr. Spring said staff recommended the following motions:

1. That the Planning Board finds a cyber cafe use of the same general character as the Permitted and Special Uses within the CC – Community Center Zoning District previously listed or other use determined by the Planning Board to contribute to the district's role as a central place for the community; that the proposed business meets or exceeds the general and specific requirements for Special Uses delineated in Code; and grants a "Special Use Permit" for the same.
2. That the Planning Board waives off-street parking space requirements for 114-116 E. Main Street for the operation of a cyber café as defined in this staff report.
3. That the Planning Board waives all off-street parking requirements for any future use of 114-116 E. Main Street which will not increase the intensity or use of this property as noted in this staff report. This second motion is recommended so as to provide administrative relief to the Planning Board for uses which would not increase the current parking requirements delineated in this staff report, and to expedite Change of Use permits for possible future tenants.
4. If the Planning Board approves the waiver of the off-street parking requirements, the applicant will be required to obtain the required Zoning Occupancy/Change of Use Permit (already applied for).
5. Any proposed signage requires Restoration Board approval and an approved Sign Permit prior to the placement of such signage.
6. The applicant must obtain authorization/approval from the Restoration Board and the Planning Board for any proposed exterior modifications to the site prior to the construction/undertaking of any such proposed modifications.

Mr. Springer asked Mr. Enslen the hours of operation. He said it would be 3-9pm, Tuesday, Wednesday, and Thursday and 3-midnight on Friday and Saturday. Mr. Springer asked what the control on teenagers loitering was. Mr. Enslen said he would discourage loitering.

Mr. Berbach asked if there are any cyber cafes in the area. Mr. Enslen replied there was one in Huber Heights, which is out of business and the closest game café as he proposes is in Indianapolis. Mr. Blake asked how many people can be accommodated. Mr. Enslen said he will have 14 stations. Three of the stations will accommodate 4 people each. Mr. Blake asked about the area in the rear. Mr. Enslen said the previous owner used it for employee parking only and there is access from the rear into the store. Mr. McFarland asked about restrooms. Mr. Enslen said there is one restroom available. Mr. Horrocks asked about snack sales and clean-up. Mr. Enslen said there is a sink and he will be selling pre-packaged items. Mr. Blake asked if he had begun the interior work. Mr. Enslen said he had removed the frontier related items. He said he has been working on the interior design but wanted to wait until he had received approval.

Mr. Berbach commented that the use fits into the Special Use category and it is a good fit. Mr. Springer agreed and added a cyber café was not considered a use back in 1993, the date of the updated code. Mr. Springer **moved to approve the Special Use at 114-116 E. Main Street with the conditions listed in the staff report including the waiving of the off-street parking requirements for this use and any future use that may not increase the usage of the facility.** Mr. Horrocks seconded the motion. Motion passed 5-0.

Fieldstone Place, 105,  
125, 155, 175 E.  
Evanston Road, Pt IL  
3601, (PRD zoning)-  
Final Plan Revision to  
Construction Drawings

Mr. Spring stated the Planning Board approved the Final Plan for Fieldstone Place Senior Living Campus on August 14, 2007. Approval for modifications to the construction drawings regarding a reconfiguration of the storm water and utility placement is being sought this evening. Those utilities were to encroach (via easements) into the neighboring Staub property to the east and the north. The applicant has revised those drawings so that these utilities will be installed within the CR25A and Evanston Road right-of-way and not require any encroachments or easements into the neighboring property.

The Fieldstone Place Senior Living Campus Subdivision will provide on-site storm water detention and retention area for the entire subdivision, which shall allow storm water to exit the subdivision at a rate less than the pre-development rate by using two (2) detention basins located along Evanston Road, and two (2) retention basins along CR 25A. The storm water will be discharged from the retention basins easterly to an existing 2' x 2' box culvert pipe at CR 25A. Thus there is no change to the existing 2' x 2' box nor the outfall of this structure on the east side of CR 25A (Staub's property). City Engineer Vagedes has approved the revised storm water plan and calculations prepared by Choice 1 Engineering.

Staff noted that the applicant will be required to provide surety (bond, irrevocable letter of credit, cash) per Code §155.117(B) for the required thoroughfare construction and all required Public Improvements. City Engineer Vagedes has approved the Choice One Engineer's estimate of \$533,030 for all public improvements for the first phase.

Surety in this amount, plus 10% (\$586,333) shall be provided prior to the adoption of the Final Plat by City Council.

Mr. Spring said attached (Attachment "F") is the revised construction and subdivider's agreements for this subdivision. The agreement has been negotiated between the City and Tipp City Land Company, LLC, and covers a wide breadth of issues regarding the subdivision.

Mr. Spring continued that Planning Board's recommendation of the Final Plan should contain the following conditions:

1. Approval of the Final Plan for Fieldstone Place Senior Living Campus to include photometric/lighting diagrams; landscaping diagram; all attachments; covenants, conditions and restrictions; construction and subdividers agreement; and construction plans and schematics.
2. An affirmation of the variances granted in the approval and recommendation of the Preliminary Plan for density and open space requirements for the subdivision.
3. The applicant shall provide surety (bond, irrevocable letter of credit, cash) per Code §155.117(B) for the required thoroughfare construction and all required Public Improvements (for Lot 1 and off-site) prior to City Council approving the Final Plan by Ordinance.
4. The applicant shall promulgate to the satisfaction of the City, individual deed encumbrance on lots two (2) and three (3), which shall hold accountable any/all future property owners for the completion of right-of-way improvements and construction along Evanston Road. Said encumbrances shall be recorded with the Miami County Recorder's Office.
5. The applicant shall promulgate to the satisfaction of the City, an approved schedule for posting of surety regarding phasing and sequencing of construction of all required public improvements.
6. State Certification/licensing for Assisted living/Memory Care prior to issuance of the Final Certificate of Occupancy permit for the Assisted living Facility.

Mr. Spring said Mr. Dodd and Mr. Mosier were available to answer any questions. Mr. McFarland commented there was not the usual recommendation that any modifications to the plan should receive Planning Board approval prior to any modification. After a brief discussion on that matter, Mr. Spring said he should have included that in his recommendations and it could be included in the motion. Mr. Springer said everything is the same except for the easements not being needed on the neighboring property. Mr. Spring said that was the request.

Mr. Berbach asked Mr. Mosier if there were any issues that they couldn't meet. Mr. Mosier said all recommendations and requirements have been pretty much worked out. Mr. Berbach thanked Mr. Mosier for bringing this change before the Board.

Mr. Blake asked about the retention areas. Mr. Mosier said they will be in front on CR25A as they hold water; the detention areas are dry and will be along Evanston Road.

Walter Burton, Tipp  
City Music Boosters for  
Tipp City Bd. of  
Education, 35  
Parkwood, OL 21,  
(CD/FA zoning)- Site  
Plan Review

Mr. Berbach moved to approve the revision to the construction drawings for Fieldstone Place, 105, 125, 155, and 175 E. Evanston Road as presented with the recommendations from the staff report plus the applicant must obtain authorization/approval from the Planning Board for any proposed modifications to the site prior to the construction/undertaking of any such proposed modifications. Mr. McFarland seconded the motion. Motion passed 5-0.

Mr. Spring said the Tipp City Board of Education requests site plan review for the construction of a new storage unit for the existing concession stand within the fence at the football field in City Park. The City has a 40-year lease with the Board of Education for the stadium. This project would be classified as a lease holder improvement. The storage unit structure will be 14' wide, 9'-6" long, and 10' tall and will include an additional roof overhang that will extend 2' on the northern side of the structure and 12'-6" on the western side of the structure. The storage area will have an area of 133 sq. ft. It will be non-residential, non-inhabitable structure and utilized for storage of concession related materials only. Mr. Spring continued that the structure will be located in the southwest corner of the football field and gave the distances from the property lines.

Mr. Spring stated the proposed structure lies within a Zone "A" Special Flood Hazard Area as designated by FEMA on the Tipp City FIRM map, being in the retarding basin of the Taylorsville Dam. Code does allow accessory structures to be exempted from the required dry floodproofing standards under Code §153.31(C). Being within the retarding basin of the Miami Conservancy District, a permit from the MCD is required. The applicant will be required to acquire "credits" with the MCD in order to obtain an approved permit. Tipp City generates credits with the MCD when material is removed from the retarding basin. This approved permit will be acquired prior to the commencement of construction.

Mr. Spring said staff recommended approval of the storage structure with the following conditions:

1. The applicant would obtain an approved Retarding Basin Permit from the Miami Conservancy District (MCD) prior to the commencement of construction, including the acquisition of the required number of "credits" from the MCD.
2. The structure would meet the standards required by Code §153.31(C) for Accessory Structures.
3. The applicant must obtain authorization/approval from the Planning Board for any proposed modifications to the approved site plan prior to the construction/undertaking of any such proposed modifications.

Mr. Spring said Mr. Burton was available to answer questions.

Mr. McFarland asked about the distance listed in the staff report to the western property line. Mr. Spring said that the field is located in City Park and Outlot 22 is made of several pieces as shown in Attachment "D" so he had measured the distance out to Third Street.

Mr. Berbach asked Mr. Burton regarding the retarding basin permit needed. Mr. Burton said he was familiar with that permit and

explained that if Taylorsville Dam filled to capacity, this is what would be under water in a flood event. This location is below the spillway elevation. Mr. Spring said whenever something is put within the retarding basin then you are raising the flood depth so MCD requires a permit so that their standards are met. They also require that they are compensated, if 100 cubic feet is put in, then you have to take out 100 cubic feet. The City generates credits in a variety of ways. When we take out fill credits are created.

Mr. Horrocks asked if there was a cost to trade a credit. Mr. Spring said the City is going to be working with the Board of Education in a cooperative manner.

Mr. Blake **moved to approve the site plan for the Music Boosters storage structure with the conditions that:**

- 1. The applicant would obtain an approved Retarding Basin Permit from the Miami Conservancy District (MCD) prior to the commencement of construction, including the acquisition of the required number of "credits" from the MCD.**
- 2. The structure would meet the standards required by Code §153.31(C) for Accessory Structures.**
- 3. The applicant must obtain authorization/approval from the Planning Board for any proposed modifications to the approved site plan prior to the construction/undertaking of any such proposed modifications.**

Mr. Horrocks seconded the motion. Motion passed 5-0.

#### **Old Business**

There was no Old Business to discuss.

#### **Miscellaneous**

City Council Reports:  
**November 19, 2007-**  
Mr. Springer

Mr. Springer reported that was Mr. Collinsworth's last meeting. The Capital Improvement Plan was approved that the Planning Board had recommended for approval. There was a public hearing set for the 31 Wilhelm Street rezoning from I-2 to R-2.

**December 3, 2007-**  
Mr. McFarland

Mr. McFarland reported that there were some year-end budgetary items on the agenda. The daily and pass rates were set for the Aquatic Center for 2008. The ordinance approving the replat and acceptance of right-of-way for Inlot 1771 for the church on N. Hyatt Street was adopted. There was also the first reading for the rezoning for 31 Wilhelm Street.

Board member  
comments

Mr. Springer asked about the removal of the barricade on Sterling Court in Curry Branch. He thought there needed to be 80% completion for that to occur. Mr. Spring said he would check that. Mr. Springer said he also tallied up the amount of items reviewed by the Board this past year. There were fewer workshops and fewer PRDs. He thought a lot had been covered and looking ahead to 2008- the MVRPC Land Use Plan and the continuance of the W. Broadway property parking lot at Fifth Street. He also wished the Board members a happy holiday.

Mr. Horrocks said the fence code has also been worked on this year. He said he was also up for renewal this year and it had been good to work with all. He also thanked the staff for a good job this year.

Mr. Blake apologized for not being in attendance at the last 2

meetings as he had other commitments. He wished everyone Happy Holidays and Merry Christmas.

Mr. Berbach thanked Mr. Springer for his synopsis of the year.

Mr. McFarland said he has been approached by a couple of Council members regarding the parking lot on W. Broadway and they asked if a workshop could be held so that it can come to a resolution. He thanked Mark for the wrap-up. He hoped the three members that were up for renewal on the Board have reapplied. He looked forward to working with all. Mr. McFarland said he also wished to thank Mr. Vath, Mr. Spring, and Mrs. Fennell.

Mrs. Fennell thanked the Board for all their efforts and reminded them there was an opening for the Council meeting attendance for January 7, 2008 at 5:30pm. Mr. McFarland said he usually attended that meeting and would do so again since he would probably not be attending the football game (in New Orleans).

#### Adjournment

There being no further business for discussion, Mr. McFarland **moved that the meeting be adjourned.** Mr. Springer seconded the motion. The motion unanimously carried. Chairman McFarland declared the meeting adjourned at 8:20 pm.

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Michael McFarland, Planning Board Chairman

Attest: \_\_\_\_\_  
Marilyn Fennell, Board Secretary